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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/391,460	09/08/1999	Barry Barton	47004.000030	8639

21967 7590 03/27/2002

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EXAMINER

LINZEY, DAVID

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 03/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/391,460

Applicant(s)

BARTON ET AL.

Examiner

David Linzey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

The specification is objected to because of the following informalities: "elicits" in the phrase "attempts to elicits comments" should be changed to "elicit" (page 11 line 3 of first full paragraph). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "wherein said second comprises" renders this claim indefinite. Second is not an appropriate object to comprise.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al U.S. Patent 5,774,883 in view of Noyes U.S. Patent 5,594,837.** Andersen et al discloses a system tailored to an individual's economic situation with an interactive application running on a computer having a display operatively connected to said computer;

a graphical user interface (GUI) displayed on said computer (col. 3 lines 43 – 55);

a GUI displayed on said display with one or more questions (col. 3 lines 55 – 67 and col. 7 lines 10 – 15);

and a processor operative to generate negotiation and financial advice in response to answers to said questions, advice displayed on said display (col. 5 lines 45 – 63).

Andersen et al does not disclose descriptive icons. Noyes discloses a system that uses descriptive icons to represent knowledge (see Fig. 49 and col. 9 lines 35 - 46). The Noyes system uses descriptive icons to represent a concept that may or may not be financial (col. 8 lines 44 – 51). At the time the system was made, it would have been obvious to a person of ordinary skill in the art to modify the system in Andersen to include the descriptive icons of Noyes. One of ordinary skill in the art would have been motivated to do this in order to use descriptive icons as a portal to a related concept (see Noyes col. 2 line 67 thru col. 3 line 2) in the present case being a financial situation.

As per claim 2, Andersen also discloses a system wherein said computer operates within a network, said network comprising a plurality of file servers, said file servers comprising a plurality of databases (col. 8 lines 29 – 41, col. 11 lines 8-9, and col. 12 lines 42 - 44).

As per claim 3, Andersen also discloses a system operable to generate advice on negotiation strategies for interacting with said individual (col. 6 lines 49 – 67).

As per claim 4, Andersen also discloses at least one of predetermined questions and predetermined answers to said predetermined questions (col. 5 lines 44 – 63 and col. 12 lines 13 – 21).

**Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al in view of Noyes as applied to claim 1 above.** Official notice is taken that a window displaying advice together with questions is an old and well-known process in the computer art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Andersen to display advice together with questions to help the user understand why the advice was given.

As per claim 6, official notice is taken that a system having a 2<sup>nd</sup> GUI is an old and well-known process in the computer art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Andersen to have a 2<sup>nd</sup> window.

**Claims 8 – 11, 13-14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al. in view of Noyes.** Andersen discloses a computer system comprising CPU, RAM and a display (col. 9 lines 16 – 40) with a method of receiving an individual's account information (col. 5 lines 24 – 40);

displaying said account information on the GUI on said display (col. 3 lines 55 – 67 and col. 7 lines 10 – 15);

retrieving strategy data and displaying it as part of a GUI ; a GUI comprising one or more questions;

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a processor operative to generate financial advice in response to answers to said questions, said questions related to said financial situation;

retrieving financial payment advice data related to said answers to said questions;

and displaying said financial payment advice on said display (col. 3 lines 43 – 67 and col. 25 lines 46 - 62).

Andersen does not disclose descriptive icons representing a financial situation. Noyes discloses a system that uses descriptive icons to represent knowledge (see Fig. 49 and col. 9 lines 35 - 46). The Noyes system uses descriptive icons to represent a concept that may or may not be financial (col. 8 lines 44 – 51). At the time the system was made, it would have been obvious to a person of ordinary skill in the art to modify the computer system in Andersen to include the descriptive icons of Noyes. One of ordinary skill in the art would have been motivated to do this in order to use descriptive icons as a portal to a related concept (see Noyes col. 2 line 67 thru col. 3 line 2) in the present case being a financial situation.

As per claim 9, Andersen also discloses the step of generating advice on negotiation strategies for interacting with said individual (col. 6 lines 19 – 35).

Regarding claim 10, official notice is taken that the step of displaying advice together with questions is old and well-known process in the computer art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Andersen to display advice with the triggering questions to help the user understand why the advice was given.

Regarding claim 11, Andersen discloses a method for providing financial payment information tailored to an individual's economic situation;

obtaining information related to an individual's financial account (col. 12 lines 24 - 40);

classifying an individual's economic situation (col. 25 lines 35 - 46);

a GUI with questions displayed on said computer (col. 3 lines 55 - 67 and col. 7 lines 10 - 15);

obtaining answers to questions related to a financial situation (col. 25 lines 55 - 62);

inputting answers to said questions;

requesting financial payment advice based on at least said answers to said questions (col. 12 lines 5 - 40).

Andersen does not disclose descriptive icons representing a financial situation. Noyes discloses a system that uses descriptive icons to represent knowledge (see Fig. 49 and col. 9 lines 35 - 46). The Noyes system uses descriptive icons to represent a concept that may or may not be financial (col. 8 lines 44 - 51). At the time the system was made, it would have been obvious to a person of ordinary skill in the art to modify the computer system in Andersen to include the descriptive icons of Noyes. One of ordinary skill in the art would have been motivated to do this in order to use descriptive icons as a portal to a related concept (see Noyes col. 2 line 67 thru col. 3 line 2) in the present case being a financial situation.

Regarding claims 13-14, and 16, Andersen discloses a system for providing financial payment information tailored to an individual's economic situation (see Jones col. 4 lines 52 - 60);

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an interactive user application running on a computer, said computer having a display operatively connected to said computer (col. 5 lines 42 – 48);

displaying a graphical user interface (GUI) displayed on said computer;

a means for inputting into said system information specific to said individual (col. 12 lines 32 – 35);

a means for generating financial advice in response to answers to said questions, advice displayed on said display (col. 6 lines 27 – 34).

Andersen does not disclose descriptive icons representing a financial situation. Noyes discloses a system that uses descriptive icons to represent knowledge (see Fig. 49 and col. 9 lines 35 - 46). The Noyes system uses descriptive icons to represent a concept that may or may not be financial (col. 8 lines 44 – 51). At the time the system was made, it would have been obvious to a person of ordinary skill in the art to modify the computer system in Andersen to include the descriptive icons of Noyes. One of ordinary skill in the art would have been motivated to do this in order to use descriptive icons as a portal to a related concept (see Noyes col. 2 line 67 thru col. 3 line 2) in the present case being a financial situation.

As per claim 14, Andersen also discloses a means for generating advice on negotiation strategies for interacting with said individual (col. 6 lines 49 – 67).

As per claim 16, Andersen also discloses a means for further refining said advice (col. 13 lines 45 – 62).



**Claim 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al in view of Noyes as in claim 11 and further in view of Jones et al U.S. Patent 6,021,397.**

Neither Andersen nor Hoyes teach the step of specifying the type of advice generated by the system. Jones, however, discloses a financial advisory method comprising the step of specifying the type of said advice generated by the system (col. 6 lines 13 – 27).

At the time the system was made, it would have been obvious to a person of ordinary skill in the art to modify the computer system in Andersen and Noyes to specify the type of advice generated as taught by Jones. One of ordinary skill in the art would have been motivated to do this in order to use descriptive icons as a portal to a related concept (see Noyes col. 2 line 67 thru col. 3 line 2) in the present case being a financial situation and to categorize the advice for a more organized presentation.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bahreman U.S. Patent 6,061,665 teaches a system to facilitate the dynamic negotiation of methods for processing payments (col. 10 lines 43 – 62).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Linzey whose telephone number is 703-305-4570. The examiner can normally be reached on 8-5 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

DL

March 20, 2002

  
WYNN COGGINS  
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